Senate File 2389 - Introduced

SENATE FILE 2389
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SSB 3171)

A BILL FOR

- 1 An Act creating the criminal offense of food operation
- 2 trespass, and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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- 1 Section 1. NEW SECTION. 716.7A Food operation trespass.
- 2 l. As used in this section, unless the context otherwise 3 requires:
- 4 a. "Apiary" and "bee" mean the same as defined in section 5 160.1A.
- 6 b. "Food animal" means an animal belonging to the bovine,
 7 caprine, ovine, or porcine species; farm deer as defined in
 8 section 170.1; turkeys, chickens, or other poultry; or bees.
- 9 c. "Food establishment", "food processing plant", and 10 "farmers market" mean the same as defined in section 137F.1.
- 11 d. "Food operation" means any of the following:
- 12 (1) A location where a food animal is produced.
- 13 (2) A location other than as described in subparagraph (1) 14 where a food animal is kept, including an apiary, livestock
- 15 market, vehicle or trailer attached to a vehicle, fair,
- 16 exhibition, or a business operated by a person licensed to
- 17 practice veterinary medicine pursuant to chapter 169.
- 18 (3) A location where a meat food product, poultry product,
- 19 or honey is prepared for human consumption, including a food
- 20 processing plant, a slaughtering establishment operating under
- 21 the provisions of 21 U.S.C. §451 et seq. or 21 U.S.C. §601
- 22 et seq.; or a slaughtering establishment subject to state
- 23 inspection as provided in chapter 189A.
- 24 (4) A food establishment or farmers market that sells or
- 25 offers for sale a meat product, poultry product, or honey.
- 26 e. "Meat food product", "poultry product", and "prepared"
- 27 mean the same as defined in section 189A.2.
- 28 2. A person commits food operation trespass by entering
- 29 or remaining on the property of a food operation without the
- 30 consent of a person who has real or apparent authority to allow
- 31 the person to enter or remain on the property.
- 32 3. Subsection 2 does not apply to any of the following:
- 33 a. A person passing over a right-of-way, if the person has
- 34 not been notified or requested by posted signage or other means
- 35 to abstain from entering onto the right-of-way or to vacate the

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- l right-of-way.
- 2 b. A person having lawful authority to enter onto the
- 3 property of the food operation, including but not limited to a
- 4 federal, state, or local government official.
- 5 c. A person who is conferred legal status to enter onto or
- 6 remain on the property of the food operation.
- 7 d. A person employed by a food operation while acting in the
- 8 course of employment.
- 9 Sec. 2. Section 716.8, Code 2020, is amended by adding the
- 10 following new subsection:
- 11 NEW SUBSECTION. 8. A person who commits food operation
- 12 trespass commits an aggravated misdemeanor.
- 13 EXPLANATION
- 14 The inclusion of this explanation does not constitute agreement with
- the explanation's substance by the members of the general assembly.
- 16 This bill creates the criminal offense of food operation
- 17 trespass. A person commits the offense by entering or
- 18 remaining on the property of a food operation without the
- 19 consent of a person who has real or apparent authority over the
- 20 property. A food operation is a location where a food animal
- 21 is produced or kept, a location where a meat or poultry product
- 22 or honey is prepared (e.g., processed and packaged) for human
- 23 consumption, or a food establishment, such as a restaurant or
- 24 farmers market that sells or offers for sale a meat or poultry
- 25 product or honey. A food animal includes an animal belonging
- 26 to the bovine, caprine, ovine, or porcine species; farm deer;
- 27 turkeys, chickens, or other poultry; or honey bees. A person
- 28 who commits food operation trespass commits an aggravated
- 29 misdemeanor. An aggravated misdemeanor is punishable by
- 30 confinement for no more than two years and a fine of at least
- 31 \$625 but not more than \$6,250.